



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,927	01/14/2002	Ulrich Schubert	151.2-US-WO	5585

22462 7590 05/20/2003

GATES & COOPER LLP
HOWARD HUGHES CENTER
6701 CENTER DRIVE WEST, SUITE 1050
LOS ANGELES, CA 90045

EXAMINER

MOSHER, MARY

ART UNIT	PAPER NUMBER
----------	--------------

1648

20

DATE MAILED: 05/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

DEA/FCE-1994

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/913,927	1/14/2002	Schubert et al	G&C 151.2-US-WO

EXAMINER	
Mosher	
ART UNIT	PAPER NUMBER
1648	20

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

The reply filed on is not fully responsive to the prior Office Action because of the following omission(s) or matter(s). See 37 CFR 1.111.

The CRF filed March 4, 2003, is technically good and has been entered into the Pending

~~Applications Database. However, when the sequences were used to search the prior art, it was noted that~~

SEQ ID NO:1 differs from applicant's PCT publication in having Phe instead of Thr at position 38. On inspecting the file record to try to resolve this oddity, it became apparent that the specification as filed had Phe at position 38 in original claim 3; but the current Paper Copy of the Sequence Listing (filed July 5, 2002) has Thr at position 38 in SEQ ID NO:1. Since SEQ ID NO:1 is not the same in the paper and CRF copies, the application still is not in full compliance with the sequence rules, and it is not clear which sequence applicant wishes to claim. Although the other sequences have not been scrutinized to the same extent, it is suggested that applicant proofread both the electronic and paper copies to ensure that all of the sequences are identical to sequences in the application as filed. In addition, in the interest of compact prosecution, it is suggested that the claims be proofread and amended so that dependent claims are not outside the scope of the parent claim. For example, independent claim 31 requires the whole of SEQ ID

NO:1; any claim to a fragment of SEQ ID NO:1 (e.g. claims 32-33) is outside the scope of the parent claim, and any claim to a variation in the sequence (e.g. SEQ IDs 8 and 9 in claim 32) is also outside the scope of the parent claim.

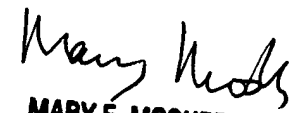
Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary E. Mosher, Ph.D. whose telephone number is (703) 308-2926. The examiner can normally be reached on Monday -Thursday and alternate Fridays from 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Housel, can be reached on (703) 308-4027. The fax phone number for this Group is now (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

May 19, 2003


MARY E. MOSHER
PRIMARY EXAMINER
GROUP 1800-1600